PROBLEMS OF CRIMINAL JUDICATURE IN CHICAGO AND HOW THEY HAVE BEEN SOLVED BY THE MUNICIPAL COURT

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Prior to the establishment of the municipal court in the fall of 1906, criminal justice was administered in the city of Chicago by the courts of the justices of the peace and by the criminal court of Cook county.

The courts of the justices of the peace were a remnant of the town system of New England, which was adopted and established throughout the State by the early settlers of Illinois. Satisfactory in rural districts, where the sparsely populated community is composed of generally honest and law-abiding citizens, in a crowded city it soon became an engine of graft, dishonesty and corruption dominated by unscrupulous politicians.

The justices of the peace in the city of Chicago were appointed by the governor of the State of Illinois on the recommendation of the judges of the circuit and superior courts of Cook county. Those justices who tried criminal cases were known as police magistrates and sat in courts attached to the various police stations of the city. They were appointed to their posts by the mayor and their appointments were confirmed by the city council. The mayor usually recommended for appointment to the various courts such candidates as were designated by the political leaders of his party in the wards in which such courts were located, and the clerks and bailiffs were appointed by the mayor on recommendation of their aldermen. When Chicago became a great city, this system outgrew its usefulness and bred evil practices under which judges in some cases became the servile creatures of politicians. The guilty friend of an alderman might go his evil way, while an enemy, no matter how upright, was liable to false arrest and continuous persecution, if he refused to comply with the bidding of the reigning politician of his ward. In other cases, the court bailiff would be the boss' lieutenant, and receive his orders direct, and be ready with professional bailsmen

either to rescue the guilty or abuse the innocent. Were his patrons' plans likely to be frustrated by a jury trial, the bailiff was prepared to secure the desired verdict by calling jurors whom he had instructed beforehand. The clerk on his side would attend to the orders; if the bailiff made a slip, the clerk might be relied upon to correct it in the record. It was current rumor that every day a list of cases to be tried was submitted to the boss and that he checked up on this list results which he desired, returning it to some trusted attaché of the court to be acted upon. The justice who was there to assess heavy fines or light, to find guilty or acquit, to have arrested or liberated, found his judgment too often swayed by political considerations. The justice court was a cancer gnawing at the heart of the community. A great wave of public opinion directed against such a condition of affairs led to the establishment of the municipal court in 1906.

Although the method of selecting officers for the police court had become, in some cases, sufficiently vicious to defeat the administration of justice, yet there was another defect in the court's organization which detracted from its effectiveness, and bred delays and inefficiency. This defect was the court's limited jurisdiction. It may have been as well under the circumstances that the court's jurisdiction was limited, but even if the court had been properly organized, its jurisdiction was too narrow. The court's criminal jurisdiction was twofold: It had power, first, to dispose of minor criminal cases where the penalty was by fine not exceeding $200; and second, to sit as examining magistrate and hear complaints in charges of State felonies and misdemeanors, with power to bind over to the grand jury for indictment. Hence, the police magistrate must turn over to the criminal court of Cook county for trial all cases of felony and misdemeanor, where the punishment was more severe than by fine of $200.

The criminal court of Cook county is a court of record with original jurisdiction. It is presided over by judges of the circuit and superior courts of the county, who are assigned to it from time to time. The circuit court has fourteen judges; the superior court twelve. Three judges from each court sit on the appellate bench, and one judge from the circuit court sits in the juvenile court. This leaves but nineteen judges to perform all the civil and criminal work of importance in the county. That these courts were inadequate to the demands of justice is shown from the fact that the superior court in 1906 was two to three years behind its calendar and the superior court four to five years, while the criminal court had bail cases untried,

some of them five years old. From three to six judges from the circuit and superior courts sit in the criminal court, the number depending upon the press of business in the different courts. These judges with difficulty can try 2500 cases a year. With 3700 indictments returned in 1905 and 1906, small wonder that it was necessary in 1905 to carry forward 1662 criminal cases undisposed of, and in the following year, 1303. To remedy the congested condition of these courts was one of the primary objects for the establishment of the municipal courts of Chicago.

The municipal court of Chicago consists of a chief justice with a salary of $7500 per annum, and twenty-seven associate justices paid $6000 per annum. Their term of office is six years, and nine associate judges are elected every second year. The law provides that the chief justice's salary may be increased to $12,000 on vote of the city council, and the salaries of the associate judges to $10,000. The judges of the circuit and superior courts receive salaries of $10,000. Honest, intelligent and experienced judges can only be obtained at high salaries, and the law thus provides for men of good caliber for the municipal bench Being elected by the people for long terms, the judges are free from political influence; being paid a liberal salary, they have no motives to encourage litigation. How different was it under the justices of the peace, when the fee system was in vogue, and the justice who tried the most cases received the greatest returns.

The municipal court has a clerk and a bailiff, each paid a salary of $5000 a year, and elected for a term of six years. The clerk and the bailiff may appoint under them such number of deputy clerks and deputy bailiffs as may be determined from time to time by the majority of the judges. There are at present 106 deputy clerks, and 96 deputy bailiffs. The bailiffs are ex officio police officers, and vice versa, police officers are ex officio bailiffs. In this manner, the police are brought under the direct control of the court. The judges have general supervision over the offices of the clerk and bailiff, and may pass rules and regulations governing them. They fix the salaries of the deputy clerks and deputy bailiffs, and may remove any of them from office with or without cause, by passing the proper order. During the past year, the chief clerk of the court was dismissed for dishonesty, and two of the deputy clerks were discharged for other causes. This power in the hands of the judges to dictate the administration of the court, brings about prompt and efficient service and respect for the judges on the part of all the officials.

The law provides that the judges shall meet as a board of directors once a month, presided over by the chief justice as executive officer, and at such other times as may be required by the chief justice for the consideration of such matters pertaining to the administration of justice as shall be brought before them. They shall at such meetings investigate complaints, such as incompetency or inefficiency on the part of officials of the court, or dishonesty on the part of police officers or unprofessional conduct on the part of lawyers in suits pending in the court, and even complaints against the judges of the court themselves. The law provides that after hearing all complaints the judges shall take such steps as they may deem necessary or proper with respect thereto, and they shall have power, and it shall be their duty to adopt all such rules and regulations for the proper administration of justice in the court as to them may seem expedient. These monthly meetings of twenty-eight judges, at which court questions are openly discussed, seem to guarantee the highest integrity and efficiency in the administration of the court.

The law provides that at least one judge shall be in attendance in one branch of the court in each district where the courts are located six hours of each day in the year, excepting Sundays and holidays, and in the business district, instead of six hours the court shall be kept open eleven hours a day, from 9 a. m. to 11 p. m., with two hours intermission. The law further provides that each associate judge at the beginning of each month, shall, under oath, make a written report to the chief justice of his work during the preceding month, and shall specify the days and hours of his attendance at the branch court to which he may have been assigned. In other words, speedy justice is dispensed by the municipal court at all its branches at all reasonable hours on every day of the year, except Sundays and holidays.

The chief justice, besides having all the powers of a judge of the court, has general superintendence of the business of the court. He assigns the associate judges to duty in the branch courts in such manner as he may deem necessary for the prompt dispatch of the business of the court, and he also superintends the preparation of the calendars of cases for trial, and makes such classification and distribution of cases upon the different calendars as he deems proper and expedient. This power to distribute and assign judges and cases is a great aid to the prompt dispatch of business. If there is too much work in one district, it can be either transferred to courts where the work is not so heavy, or extra judges can be sent to the congested

district to help dispose of the cases there. The amount of work and the dispatch with which it has been attended to by the municipal court during the year 1907, is shown by the following figures: During the year, 37,104 civil cases were filed, 30,877 were disposed of, and 6227 remained on the calendar to be tried in 1908, most of which were continued at the request of litigants. In its civil work alone, the court disposed of more cases in 1907 than the circuit court throughout the entire State of Illinois, not including Chicago. In its criminal branches, 15,079 cases were filed in 1907, 14,755 were disposed of, and but 324 were left on the criminal docket to be tried the following year. These cases can be disposed of as soon as they are ready for trial. For violation of city ordinances, 45,535 were filed during the year, and 44,472 were disposed of. The total number of cases filed in 1907 was 97,718, and disposed of, 89,104. The municipal court in number of cases filed and disposed of is the greatest court of record in America, if not in the world.

It is the duty of the chief justice to have competent persons summoned to serve as jurors, to inquire into their qualification and to reject such as do not appear suitable. During 1907, Chief Justice Olson has personally inquired into the qualifications of all jurors. He has made a point of selecting citizens of the best type, and no person suitable for service has been excused except upon an honest showing of good cause. On the other hand, men of uncertain character or doubtful standing have been forthwith rejected. A vice-president of the Santa Fé Railroad, and the head of one of the largest coal companies in Chicago spent two weeks of their valuable time last fall discharging their duty to the community side by side with their fellow-citizens.

The municipal court has original jurisdiction in all cases, both civil and criminal, excepting criminal cases where the punishment is by imprisonment in the penitentiary or by death, and civil damage cases where the amount involved is over $1000. But these excepted cases can be transferred to the municipal court for trial from the criminal, circuit or superior courts where they originate. Thus, a limited class of cases is reserved for the older courts, but if these courts are congested, the municipal court is ready and able to give them aid. So, in practice, the municipal court has jurisdiction over all classes of cases, both civil and criminal.

The municipal court is a court of record. It has the right to adopt its own rules of practice and procedure, and the decision of a judge

on a question of practice is conclusive, unless it shall appear that substantial injustice has been done. The court's decisions are subject to review only by the appellate and supreme courts. The municipal court is, therefore, a court of record, a court of first instance, with comprehensive and practically general jurisdiction, a court of last resort unless the merits of the case are involved. No wonder that there have been few appeals from its decisions, when error for technicalities of practice is impossible. During the first six months of the court's existence, 40,610 cases were decided; only 92 of these were taken to the appellate or supreme courts, and of those 10 were dismissed, supersedeas denied in 11, issued in only 27, and the number of reversals out of 19 is not yet recorded.

The requirements as to bail were extremely lax in the courts of the justice of the peace, and this resulted in the growth of a tribe of professional bondsmen, who, with the connivance of officials of the court, made a practice of giving straw bail for the release of prisoners on bond, who, as soon as they regained their liberty, escaped. The requirements in the municipal courts regarding the acceptance of bonds are extremely severe. The bondsman must answer the most searching questions upon oath, and make out a schedule of property, which is investigated before the prisoner is admitted to bail. Out of several thousand prisoners admitted to bail during the year 1907 on charges of State misdemeanors, less than one-half dozen failed to appear for trial.

One of the most desirable changes effected by the new municipal court act, is the practice of the court's instructing the jury orally. This practice was adopted instead of that of reading and submitting written instructions to the jury, as is done in other courts of the State. The latter mode is cumbersome, because of the length and number of instructions which are usually submitted by counsel for each side, and misleading because an instruction written by counsel often presents the law in such a way as to make it seem applicable only to one side of the case. Under the method of instructing the jury orally, the judge states to the jury in his own language such principles of law as he thinks are material. The attorneys are then requested to direct the court's attention to anything omitted or to any error which they think the court has made, and the court may then, in the presence of the jury, correct such error. If counsel wish to except to the court's instructions, they may do so before verdict, in order to take advantage of error on appeal.

A new system of keeping records has been adopted for the municipal court. The law authorizes the chief justice to prescribe abbreviated forms of entries of orders in the records, and that these abbreviated forms shall have the same force and effect as if the orders were entered in full in the records of the court. Twenty men or about one-fifth of the clerks of the municipal court were able to write in a period of six months, the records of the court in 46,222 cases in abbreviated entries. The minutes of a case are kept by the clerk in abbreviated form upon a blank half sheet, 8 by 10½ inches, which is filed with the papers of the case; this half sheet is a facsimile of a half page of the permanent record book, upon which these minutes are subsequently recorded to compose the record. To illustrate: The abbreviated entry of an order: "Deft. sent to H. of C. term and fine," means that the judgment is to the house of correction for a definite time, and to pay a fine of a certain sum, and in default of the payment of the fine, the defendant to stand committed to the house of correction until fine and costs are paid. The judgment, when written in full covers two typewritten pages and contains approximately 496 words. The law provides that when any certified transcript of the record is required, the same shall be written out in full from the abbreviated forms, and duly authenticated, according to law.

The following figures show some of the changes that have taken place in the administration of criminal justice in the city of Chicago since the advent of the municipal court:

In 1906, there were in Chicago, 92,761 arrests; in 1907, there were 57,490, a decrease of 35,271, or 37½ per cent.

In 1906, the number of arrests for State felonies amounted to 12,561, in 1907 to 10,464, a decrease of 2097, or 16½ per cent.

In 1906, there were 8908 arrests for State misdemeanors, in 1907, 8238, a decrease of 670, or 8 per cent. The municipal court has, therefore, had its effect upon the community in the prevention of crime.

In 1906, 8876 persons were sentenced to the house of correction convicted of State misdemeanors. In 1907, 10,948, an increase of 1272, or 14.3 per cent.

In 1906, 480 persons were sentenced to jail, convicted of State misdemeanors, in 1907, 635, an increase of 32 per cent. Thus, although the arrests for State misdemeanors decreased 8 per cent in 1907, the number of sentences to jail and to the house of correction for the same class of cases, increased to 15.2 per cent. The work of the municipal court has been effective in enforcing the law.

Before the establishment of the municipal court, all State felonies and misdemeanors, in which the punishment was more severe than by fine of $200, had to be tried by the criminal court. The docket was so crowded, that courts were unable to try all the cases that came before them, and some of the untried bail cases were four to five years old. In 1906, 3656 indictments were rendered, in 1907, this number was reduced to 2244, or 39 per cent. The municipal court has relieved the criminal court completely of the congestion to which it was so long subject.

Many attempts have been made to reduce the percentage of crime in the city of Chicago; among them was the addition to the police force of 1000 officers in 1906, but none of these attempts have shown appreciable results. Under the administration of the municipal court, the crime problem has been attacked along the following lines:

1. Speedy trials.
2. Strict bail regulations.
3. House of correction rather than jail sentences.
4. Care in the issuance of warrants.
5. Absence of interference with the administration of justice in the courts, and consequent encouragement of police officers to do their duty.
6. Imposition of heavy penalties for the carrying of concealed weapons.

A reduction of the number of arrests, an increase in the number of convictions, a speedy disposal of cases has been the result.

A word in closing in regard to the finances of the court may be interesting. The total receipts of the court for the year 1907 in fines, costs and fees collected were $669,962.01, and the total expenses, $650,721.95, leaving a balance of $19,240.06 in favor of receipts over and above all expense. But of these expenses, $70,000 was paid in renting quarters for the court before it moved to its new home in the municipal court building. Subtracting this extraordinary expense of $70,000 from the expense account leaves $580,721.95 as the reasonable cost of running the court for the year 1907—a sum which is $89,240.06 short of the total amount of fines, costs and fees collected by the court during the year.